

**WILLIAMSBURG CITY COUNCIL
OCTOBER 14, 2004
MINUTES**

The Williamsburg City Council held its regular monthly meeting on October 14, 2004, at 2:00 p.m., in the Council Chambers of the Stryker Building.

ATTENDANCE

Present were Ms. Zeidler, Messrs. Haulman, Scruggs, Chohany and Freiling. Also present were City Manager Tuttle, City Attorney Phillips, and City Clerk Crist.

Staff Attending: Department Heads Clayton, Hudson, Nester, Yost, Weiler, and Assistant City Manager Miller. Ms. Herrick attended for Mr. Serra.

CALL TO ORDER

Mayor Zeidler called the meeting to order.

COUNCIL MINUTES

Mr. Scruggs Moved that City Council Approve of the Minutes of September 7 and 9, 2004. The Motion was Seconded by Mr. Haulman.

Recorded Vote on the Motion:

Aye: Freiling, Scruggs, Zeidler, Haulman, Chohany

No: None

MATTER OF SPECIAL PRIVILEGE

Mayor Zeidler said it was a pleasure and an honor to recognize a valuable city employee, Mr. Paul Hudson, Director of Parks and Recreation, on the occasion of his 35th year with the city. (Mr. Hudson was invited to come forward to the podium.) Mr. Hudson was previously recognized for his service at the city's annual Service Awards Ceremony on September 27. He was hired as the city's first Parks and Recreation Director in July of 1969, and at that time he was a department of one. Today, he supervises nine full time employees and is responsible for as many as 100 part time employees. During his tenure, he spearheaded the fund drive to construct the Quarterpath Recreation Center which opened in 1990, and was renovated in 2000. The Mayor said that Mr. Hudson has been a great role model for other employees and for our citizens over the past 35 years.

Mr. Hudson said it was an honor and privilege to serve the Williamsburg community for the past 35 years, and he hoped for another 35! It has been fun and he has enjoyed his work. (Applause)

PUBLIC HEARING

Public Comment on Prospective Goals and Initiatives for 2005/2006 Biennium

Reference for this item was Mr. Tuttle's memorandum dated October 7, 2004, which included a copy of the draft Goals and Initiatives. Mayor Zeidler said the Goals and Initiatives document is a statement of the city's intentions and priorities and should be the focus of city government over the next two years. The draft has been updated to include Council member's comments from the October 11 Work Session.

Mr. Tuttle provided a quick overview of the second draft (See Powerpoint slides attached). He noted that citizens can access the draft on the city's website, and send their comments about the draft to Assistant City Manager Jodi Miller. There are 60 initiatives under eight goal statements. This should be the focus of city government for the next two years. A public comment session followed.

Mayor Zeidler opened the session.

Marion H. Ashby, 609 N. Henry Street, a member of the Virginia Organizing Project, thanked Council for the opportunity to speak in support of affordable housing. She has been a Williamsburg resident for more than 40 years. People should be able to work where they live. Some people barely make \$20,000 a year; she preferred the term low-income housing as opposed to affordable housing. There should be single family housing that low-income people could buy. She asked Council members to be thinking about hospital workers. Ms. Ashby closed by saying she has been impressed with the Comprehensive Plan sessions.

Walter Taylor, 509 Pocahontas Street, was concerned about the trash on Pocahontas Street. There are limbs on the side of the street and it looks bad. The house at the end of the cul-de-sac is overgrown with weeds and looks very bad. He would appreciate someone looking at that property. He agreed that people should be able to live where they work.

No one else wished to speak. The hearing was closed.
Discussion followed.

Mr. Haulman said that he had thought about Council's previous discussion regarding economic development. He suggested that the wording of for the last two initiatives listed under "Economic Vitality" regarding economic development state "the city should inventory and assess current economic development and redevelopment efforts, determine and evaluate the variety of tools and mechanisms available to enhance the city's approach to economic development and redevelopment, determine the most effective methods of staffing and managing these efforts, and make changes where appropriate." He was not sure what the initiative should be titled.

Mayor Zeidler agreed that it makes sense to combine the two initiatives. Perhaps Council needs a work session to discuss staffing, the IDA's part, and a liaison position. Mr. Freiling suggested the last two initiatives be combined and titled to address economic development and redevelopment. Council members concurred with the revision as proposed by Mr. Haulman and that the general initiative needs to be more specific.

Mr. Chohany asked how projects in the Goals and Initiatives are prioritized. Mayor Zeidler explained that some projects are guided by budget decisions, the CIP, and the Comprehensive Plan. Mr. Haulman noted that at budget time, projects can be re-prioritized.

Council members discussed the following initiatives and provided Mr. Tuttle with their suggestions/revisions to be included in a third draft.

The initiative regarding the Jamestown Road Traffic and Parking Study be revised to include completing a preliminary engineering study of a roundabout at College Corner for further evaluation for its “feasibility, viability, and desirability.”

The initiative regarding Medical Transport Insurance Reimbursement should be revised to omit the words “implement a billing plan” and insert the words “consider implementation of a billing plan.”

The initiative regarding W/JCC Joint School Agreement was changed to reorder the words to start with “Begin negotiations in January 2006 for the new agreement, etc.”

The initiative regarding the W/JCC Multipurpose Building will be changed to “Negotiate the transfer of approximately three acres, etc.”

Mr. Tuttle will revisit the wording of the initiative regarding Raw Water Supply, to reflect the city’s participation in other regional water supply strategies.

The initiative titled “Affordable/Housing” will be re-titled as “Affordable and Low Income Housing.”

The initiative regarding Historic Area Street Maintenance Agreement will be changed by omitting the first word “Renew” and replace it with the word “Renegotiate.”

Mr. Tuttle said that Council will receive the third draft of the revised Goals and Initiatives prior to their November 8 Work Session, along with the comments received from citizens. Mayor Zeidler noted that because of the Veterans Day holiday, Council will hold the November regular meeting on Friday, November 12.

Mayor Zeidler asked that Mr. Tuttle include as a future agenda item that Council members discuss and consider moving one or both of City Council meetings to evening meetings. Council tried alternating Council meetings in the evenings on a trial basis several years ago, but found little difference in attendance.

Text Amendment to Economic Development (ED) District Zoning, *Proposed Ordinances #04-23A, #04-23B, #04-23C, and #04-23D* (PCR #04-18)

Reference for this item was Mr. Nester’s report dated October 14, 2004, which included copies of the proposed ordinance. Mr. Nester explained that the proposal for development of the High Street property, as well as the purchase of a large portion of the Colonial Williamsburg Foundation (CWF) Planning Area by Riverside Health System, requires revisions to the Economic Development (ED) District to allow for a true mixed use development. The rezoning would provide for a residential component and accommodate medical uses that may be proposed in the future for the CWF Planning Area. Mr. Nester reviewed the major changes to the ED District zoning, parking regulations and site plan included in the proposed ordinances.

The new proposals for revisions to the ED District which will implement ED land use areas designed in the Comprehensive Plan, combines the Plan’s recommendations for economic development with the concepts of the Plan’s mixed use areas, creating a hybrid land use. Most important, large new developments can contribute to the city’s character by having a

well designed mix of uses, and will expand the concept of historic mixed use into the two remaining large areas of the city for future development. The Planning Commission held a public hearing on this matter and unanimously recommended that City Council approve the proposed ordinances. To effect this change, all four proposed ordinances would need approval.

Mayor Zeidler opened the public hearing.

Ms. Marion Ashby inquired about possible plans for low income housing in the new developments. Mayor Zeidler responded that it was too early in the process to know.

No one else wished to speak. The hearing was closed.

Mr. Scruggs and Mr. Nester discussed the proposed parking requirement, master plans, rezoning to ED, and the design standards and guidelines for the ED District, and private streets in townhouse and condominiums development.

Mr. Freiling disclosed that that he is an employee of Colonial Williamsburg Foundation and because of the transfer of the property from Colonial Williamsburg Foundation to Sentara; he will abstain from discussing and voting on this issue.

Mr. Haulman Moved That City Council Adopt Proposed Ordinances #04-23A, An Ordinance Amending Chapter 21, Zoning, by Revising Article III, Division 10.1, Economic Development District ED; #04-23B, An Ordinance Amending Chapter 21 Zoning, by Revising Article V, Parking, Pertaining to Off-street Parking for Residential Uses; #04-23C, An Ordinance Amending Chapter 21, Zoning, by Revising Article V, Parking, Pertaining to Special Parking Regulations, and #04-23D, An Ordinance Amending Chapter 21, Zoning, by Revising Article VII, Site Plans, Pertaining to Site Plans. The Motion Was Seconded by Mr. Chohany.

Mr. Scruggs was concerned about relinquishing control, population growth with development, and the 100,000 square foot building size, but he was confident that staff understood his concerns.

Mayor Zeidler disclosed that her employment was in transition (Colonial Williamsburg Foundation to Jamestown 2007). Mr. Phillips confirmed that she should abstain from voting on this matter.

Recorded Vote on the Motion:

Aye: Scruggs, Haulman, Chohany

No: None

Abstain: Freiling, Zeidler (SEE ATTACHED ADOPTED ORDINANCES #04-23-A, B, C, D)

Rezoning from B-3 to ED, Certain High Street Properties, *Proposed Ordinance #04-24 (PCR #04-019)*

Reference for this item was Mr. Nester's report dated October 14, 2003. Mr. Nester reviewed a slide of the proposed High Street development area. Three parcels, which include the Williamsburg Chrysler-Jeep-Kia at 1440 Richmond Road and the Carolyn Court Motel at 1446 Richmond Road, are proposed to be rezoned from B-3 General Business District to ED Economic Development District. The rest of the High Street property is already zoned ED. The Planning Commission held a public hearing on this proposal and recommended to City Council that the proposed rezoning be approved.

Mayor Zeidler opened the public hearing.

No one wished to speak. The hearing was closed.

Mr. Chohany Moved That City Council Adopt Proposed Ordinance #04-24, An Ordinance to Rezone Approximately 6.2 Acres at 1440-1446 Richmond Road from B-3 to ED-2. The Motion Was Seconded by Mr. Haulman.

Recorded Vote on the Motion:

Aye: Freiling, Scruggs, Zeidler, Haulman, Chohany

No: None

(SEE ATTACHED ADOPTED ORDINANCE #04-24)

REPORTS

Monthly Financial Statement

The Monthly Financial Report was received and ordered filed.

Mr. Tuttle pointed out that the Room Tax revenue were down for the months of July and August.

Mr. Chohany requested that a fourth column be added to the financial report to show the difference or percentage of change. Mr. Tuttle will confer with Mr. Serra and report back to Council.

Monthly Departmental Operating Reports

The Monthly Departmental Operating Reports were received and ordered filed.

Planning Report

Comprehensive Plan Update: Mr. Nester reported that a Comprehensive Plan Update Public Forum will be held on October 19, 2004, 6:30 p.m., at the Community Building, to discuss the Richmond Road Neighborhood Focus Area.

City Manager Reports

Draft Legislative Priorities for 2005

Reference for this item was Mr. Tuttle's report dated October 7, 2004, which included a copy of the draft legislative priorities. Ms. Miller reviewed the five Regional Priorities and six Statewide Fiscal Priorities (See Attached). Ms. Miller said that following Council's discussion on the draft, she will update the document to reflect any comments/suggestions. The Priorities will be on the November 8 Work Session and November 12 meeting agendas. Citizens may access the document on the website or a hard copy will be

available in the City Manager's Office. Once the Priorities are adopted by Council, a copy will be sent to the city's legislative representatives and a meeting will be scheduled with Senator Norment and Delegate Barlow.

Mayor Zeidler asked Ms. Miller to check with the cities of Charlottesville and Blacksburg who are also taking the Initiative to find out what their governments/City Councils plan to do regarding the Chartered Universities Initiative legislation.

The Mayor asked Ms. Miller to investigate as a legislative priority what other localities across Virginia are doing regarding standards of residency for voter registration. The law could be clearer and more consistent statewide.

Mr. Chohany raised the issue of property/land maintenance, and suggested that the city solicit the help of the Virginia Municipal League to address the land/property maintenance issue.

Council members concurred with the suggestions.

Mr. Scruggs requested and members concurred, that a representative from the College of William and Mary be invited to come to a Council work session or meeting to explain the Chartered University Initiative.

Mr. Freiling supported the statewide priority regarding State Support for Standards of Quality, but questioned it especially regarding kindergarten initiatives since this was just undone in the community. He encouraged the removal of any roadblocks by the state that might make young voters perceive that we are prohibiting them from voting.

Mayor Zeidler clarified that neither the City Council nor the City Manager supervise the Voter Registrar. The State laws are applied by the Registrar. Currently, the law allows for different interpretations and applications by the Registrar. In a legislative priority, the city would request a change in the residency requirement laws so that they would be clearer and consistently applied across the state.

Council will again address the Draft Legislative Priorities for 2005 at the November Council meetings.

Residential Refuse Collection – Citizen Committee Report

Reference for this item was Mr. Tuttle's report dated October 7, 2004, which included a copy of the committee report regarding residential refuse collection options and costs.

Mr. Clayton provided Council members with background on the previous bid process, prices and service comparisons. The city awarded the collection contract to BFI in June 2004 for the same service level. Council requested that the City Manager and staff study the residential refuse service options. He recognized Mr. Tex Turner and committee members Jim Joseph, Pete Parks, Russell Tabb, and John Campanelli who were present. Ellen Thacker of BFI was also present.

Mr. Tex Turner, 213 Indian Springs Road, reviewed the Refuse Collection Committee's report to Council (see attached). The Committee was charged with determining how to

best provide outstanding garage collection to the city. The committee mailed out 600 surveys and 150 were returned. Two options were offered to residents. Option 1 was to maintain the current service level at a negotiated fee of \$17.00 per household per month, reduced from \$17.22 per household per month. Option 2 was for once a week pick up with no other changes (but may necessitate the need for larger container or toter). The residents' first choice was Option 1, which would cost the city an additional \$202,000 per year. Mayor Zeidler thanked Mr. Turner and the members of the committee for their work.

Council members, Mr. Turner, Mr. Tuttle, and Mr. Clayton discussed refuse collection. Mr. Clayton gave a brief explanation of the process that took place last June when the refuse collection contract was awarded to BFI, and noted that BFI was open to negotiate service and costs. Mr. Tuttle explained that this year, the city will pay the additional cost for refuse collection by transferring money from the Contingency Fund, and that Council will have to revisit funding next year during the budget cycle.

Responding to Council, Ms. Thacker said that once a week pick-up was not unusual. Mr. Clayton added that once a week pick up service provided the best cost to the city. Council members discussed how residents would negotiate the totes and how it would help residents in hardship cases.

Mr. Scruggs commented that he favored once a week pickup. He was proud of the services provided by the city which was like living in a private community, but over the five-year contract, the additional cost for twice a week pick-up was \$1 Million. He urged Council to chose Option 2.

Mr. Freiling was concerned about the additional cost and taking money from the current budget. He favored Option 2, and said that Council needed to look at this issue more closely and carefully at budget time.

Mayor Zeidler said that Council was shocked when the bids for collection services were received. If once a week pick-up is to be considered, more work and information is needed. There would be repercussions. Mr. Tuttle has found the funds in the current budget to cover the cost of the current level of service.

Mr. Haulman was adamant that he believed the community expected this level of services. He was not in favor of changing the collection service and strongly supported the committee's recommendation.

Mr. Haulman Moved that City Council Accept the Committee's Recommendation to Keep the Present Service Level at the Negotiated Fee with BFI of \$17.00 Per Household and Authorize the City Manager to Implement These Changes. Mayor Zeidler Seconded the Motion.

More discussion followed the motion. Mr. Scruggs was concerned about the increase in cost, and noted that he was looking at a Monthly Finance Report which reflected reduced tax revenues. Mr. Haulman said that the city has a long range economic development program to address the source of revenues to the city. Reducing this service was "unacceptable" to save one percent of the budget. The city has been conservative in its budgeting and there are usually excess funds at the end of the year. Mr. Freiling was

concerned about using funds from the current budget that could possibly be used for economic development investment this year. The Mayor noted that the Reserve Fund is money set aside to be used for unusual instances. Mr. Chohany felt the city was being backed into a corner, and was not pleased with the 100% increase in cost for service, and that nothing can be done for five years. This was a difficult decision to make, and he suggested that this matter be deferred until the November meeting.

Mr. Scruggs called the question.

Recorded Vote on the Motion:
Aye: Freiling, Zeidler, Haulman
No: Chohany, Scruggs

OPEN FORUM

Mayor Zeidler invited comments.
No one wished to speak. The session was closed.

CLOSED SESSION

Mr. Haulman Moved that City Council go into Closed Session pursuant to Section 2.2-3711 of the Code of Virginia for the purpose of discussing one personnel matter per subparagraph 1 concerning appointments to Boards and Commissions, one legal matter per subparagraph 3, regarding acquisition of property for public purposes of which discussion in an open meeting would adversely affect bargaining or negotiation strategy of public body; and one legal matter per subparagraph 7 for the purpose of consultation with legal counsel and briefings by staff members, consultants or attorneys pertaining to actual or probable litigation. The Motion Was Seconded by Mr. Scruggs.

Recorded Vote on the Motion:
Aye: Freiling, Scruggs, Zeidler, Haulman, Chohany
No: None

The meeting adjourned at 4:40 p.m.

The Mayor called a five-minute recess.

At 5: 23 p.m., Council met in Open Session.

Mr. Chohany Moved the Certification of Closed Meeting. The Motion was Seconded by Mr. Freiling.

Recorded Vote on the Motion:
Aye: Freiling, Scruggs, Zeidler, Haulman, Chohany
No: None

CERTIFICATION OF CLOSED MEETING

Date: October 14, 2004

Motion: Mr. Haulman
Second: Mr. Scruggs

WHEREAS, the City Council of the City of Williamsburg has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712 of the Code of Virginia requires a certification by the City Council that such meeting was conducted in conformity with Virginia Law.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Williamsburg hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed session were heard, discussed or considered by the City of Williamsburg.

VOTE:

Aye: Freiling, Scruggs, Zeidler, Haulman, Chohany

No: None

Absent During Vote: None

Absent During Meeting: None

Appointment to Olde Towne Medical Center Board

*Mr. Chohany Moved that City Council Reappoint Mr. **Thomas Mainor** to the Olde Towne Medical Center Board for a One-Year Term, Effective July 1, 2004, to Expire June 30, 2005. The Motion Was Seconded by Mr. Freiling.*

Recorded Vote on the Motion:

Aye: Freiling, Scruggs, Zeidler, Haulman, Chohany

No: None

The meeting adjourned at 5: 25 p.m.

Approved: November 12, 2004

Shelia Y. Crist
Clerk of Council

Jeanne Zeidler, Mayor